

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1669.00
COMPLAINT INVESTIGATOR: Steve Starbuck
DATE OF COMPLAINT: December 27, 2000
DATE OF REPORT: January 10, 2000
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: February 13, 2001

COMPLAINT ISSUES:

Whether the Richland-Bean Blossom Community School Corporation and the Forest Hills Special Education Cooperative violated:

511 IAC 7-27-7(a) with regard to the school's alleged failure to implement the student's individualized education program (IEP) as written, specifically, failing to follow the student's health care plan when transporting the student to and from school.

FINDINGS OF FACT:

1. The student is six years old, attends the first grade, and has been determined eligible for special education due to a learning disability.
2. The student is allergic to nuts and nut products. Exposure to such could be life threatening. A health care plan was developed for the student to inform school personnel of precautions that needed to be taken regarding the student's exposure to nuts or nut products. The health care plan includes provisions for when the student is transported to and from school. The director acknowledges in her written response to the Division of three occasions where the student's health care plan was not implemented as written when transporting the student to and from school.

CONCLUSIONS:

1. Finding of Fact #2 reflects the school failed to implement the student's health care plan as written when the student was transported to and from school. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Special Education, requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Richland-Bean Blossom Community School Corporation and the Forest Hills Special Education Cooperative shall:

1. Inservice all appropriate personnel as to the requirements of the student's health care plan and the addendum to the health care plan. Submit to the Division no later than February 14, 2001, documentation that the inservice training has been completed. The documentation should include a list or an agenda of all issues discussed, any handouts that were distributed, and a list of attendees by name and title.

2. Submit a letter of assurance to the Division no later than February 14, 2001, stating the school will implement the student's IEP as written.